IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 504 of 2004

DATED: 10.02.2006

Between:

G.Ashok Kumar petitioner

And

The Divisional Manager,

APSRTC, Sanathnagar division,

Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 504 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 27.12.2005 reverting the petitioner to his former post of Superintendent (Mechnical).

The petitioner, while working as Assistant Engineer (Mechanical) at Miyapur Depot was issued with a charge sheet dated 27.6.2005 alleging falling trends of maintenance parameters compared to corresponding periods of earlier year. The petitioner submitted his explanation and not satisfied with the same respondents ordered an enquiry and based on the enquiry report a show cause notice dated

12.12.2005 was issued calling for explanation as to why he should not be reverted to the former post. The petitioner sought extension of time for submitting his explanation and without considering the same impugned proceedings dt 27.12.2005 were issued reverting the petitioner to his former post.

Learned counsel for petitioner submitted that fallen standards if any, are due to insufficient staff and non cooperation of the employees appointed on daily wage /contract basis and this fact was not taken into consideration and respondents without affording reasonable opportunity, reverted the petitioner to his former post of Superintendent (mechanical), illegally and sought for interference of this Court.

On the other hand, learned Standing Counsel for respondent Corporation submitted that the promotion of the petitioner to the post of Assistant Engineer (Mechanical) is temporary under Regulation 30 of the APSRTC Employees Recruitment Regulations and keeping in view the negative trend of maintenance standards, after conducting an enquiry, he was reverted to his former post and the same cannot be said to be illegal. He further submitted that as against the impugned order dated 27.12.2005 passed by the Regional Manager, an appeal lies to the Managing Director of the corporation under APSRTC Employees (Classification, Control and Appeal) Regulations, 1967 and without availing the said remedy, the petitioner has rushed to this Court and the writ petition is not maintainable.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation. Both counsel consented for disposal of the writ petition, granting liberty to the petitioner to avail the remedy of appeal available to the petitioner against the impugned order.

In the circumstances, without going into the merits of the matter, the writ petition is disposed of directing the petitioner to avail the remedy of appeal available to the petitioner under APSRTC Employees (Classification, Control and Appeal) Regulations, 1967 against the impugned order. Upon filing such an appeal, the same shall be considered and disposed of in accordance with law, expeditiously.

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N.V.RAMANA,J

10.02.2006

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